

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference F-529 | FOR FURTHER ACTION | See Form PCT/IPEA/416 |
| International application No. PCT/JP2005/003412 | International filing date (<i>day/month/year</i>) 23.02.2005 | Priority date (<i>day/month/year</i>) 01.03.2004 |
| International Patent Classification (IPC) or national classification and IPC A61B5/16 | | |
| Applicant CB SYSTEM CO. | | |

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| 1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. |
| 2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet. |
| 3. This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions). |
| 4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input checked="" type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application |

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| Date of submission of the demand | Date of completion of this report |
| Name and mailing address of the IPEA/JP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2005/003412

Box No. I

Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
- ☒ the international application as originally filed/furnished
- ☐ the description:
- pages _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☐ the drawings:
- sheets _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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| Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | |
|---|---|----------|-----|
| 1. Statement | | | |
| Novelty (N) | Claims | 6 | YES |
| | Claims | 1-5, 7-9 | NO |
| Inventive step (IS) | Claims | 6 | YES |
| | Claims | 1-5, 7-9 | NO |
| Industrial applicability (IA) | Claims | 1-9 | YES |
| | Claims | | NO |
| 2. Citations and explanations (Rule 70.7) | | | |
| <p>Document 1: JP 2004-049838 A (Kabushiki Kaisha CB System Kaihatsu), 19 February 2004, entire text, all drawings</p> <p>Document 2: JP 2002-219116 A (Matsushita Electric Industrial Co., Ltd.), 06 August 2002, entire text, all drawings</p> <p>Document 3: JP 2001-061820 A (Matsushita Electric Works, Ltd.), 13 March 2001, entire text, all drawings</p> <p>Document 4: Hiroyuki INABE (et al.), "Shinpakusu no Hendo to Suimin Jotai no Kankei ni Tsuite - Sono 2," Dai 11 Kai Human Interface Symposium Ronbunshu, 09 November 1995, pages 263 to 266</p> <p>Claims 1 to 4 and 7 to 9</p> <p>Techniques for determining what stage of sleep a subject has entered based upon the variance of the biological signals detected by means of non-invasive biological signal sensors or based upon values derived from said variance are well known, as disclosed in documents 1 to 4 cited in the international search report, etc.</p> | | | |

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

In addition, document 1 discloses a technique that employs a running average during the statistical processing of the variance.

In the written response, the applicant asserts that the inventions set forth in the abovementioned claims of the present application determine the variation in the "signal strength," and thus are different from the inventions disclosed in the abovementioned documents from a technical standpoint. However, the abovementioned claims of the present application do not stipulate what aspect of the "biological signals" is to be used as the signal value, and thus the scope of the inventions set forth in the abovementioned claims is considered to include the well-known techniques disclosed in documents 1 to 4 and the like.

Claim 5

Documents 2 and 4 cited in the international search report disclose techniques for determining what stage of sleep a subject has entered based upon the variance of the biological signals detected by means of non-invasive biological signal sensors, wherein the stage of sleep is determined after using body motion information and the like to eliminate the abnormal values from the biological signals.

Claim 6

Documents 1 to 4 cited in the international search report define the general state of the art of the pertinent technical field; however, the documents in question do not disclose or suggest the technique set forth in the abovementioned claim of the present

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

application, wherein the reciprocal of the coefficient
that was obtained by means of gain control is used as the
signal strength.

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International application No.

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| Box No. VI | Certain documents cited |
|------------|-------------------------|
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1. Certain published documents (Rule 70.10)

| Application No. Patent No. | Publication date (day/month/year) | Filing date (day/month/year) | Priority date (valid claim) (day/month/year) |
|-------------------------------|--------------------------------------|---------------------------------|---|
| JP 2004-358179 A | 24.12.2004 | 05.06.2003 | |
| [E, X] | | | |

2. Non-written disclosures (Rule 70.9)

| Kind of non-written disclosure | Date of non-written disclosure (day/month/year) | Date of written disclosure referring to non-written disclosure (day/month/year) |
|--------------------------------|--|---|
|--------------------------------|--|---|